

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL TOMASSI,

Plaintiff,

Case No. 14-cv-11077
Hon. Matthew F. Leitman

v.

AMCOL SYSTEMS, INC.,

Defendant.

/

ORDER DISMISSING COMPLAINT (ECF #1-1)

On January 22, 2014, Plaintiff Daniel Tomassi (“Plaintiff”) filed the instant action against Defendant Amcol Systems, Inc. (“Defendant”) in small claims court in Dearborn Heights, Michigan. (*See* Complaint, ECF #1-1 at 2.) In relevant part, Plaintiff claims that he was “[h]arrassed [sic] by [a] collector” in Dearborn Heights. (*Id.*) On March 12, 2014, Defendant removed the matter to this Court on the basis that Plaintiff’s claim arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692. (*See* ECF #1.)

Thereafter, Defendant moved for more definite statement pursuant to Fed. R. Civ. P. 12(e). (*See* ECF #2.) Plaintiff did not file a response. Magistrate Judge Mona K. Majzoub granted Defendant’s Motion on July 10, 2014. (*See* the “July 10th Order,” ECF #6.) The July 10th Order stated that “Plaintiff must file a[n amended] [c]omplaint ... within[] 21 days.” (*Id.* at 2.) The July 10th Order specifically stated

that Plaintiff's failure to comply "may result in sanctions, including dismissal of Plaintiff's claims against Defendant." (*Id.* at 2.)

Plaintiff did not timely file an amended complaint pursuant to the July 10th Order. Accordingly, on August 5, 2014, this Court ordered Plaintiff to show cause in writing, by no later than August 20, 2014, why the instant action should not be dismissed for failure to comply with the July 10th Order. (*See* the "August 5th Order, ECF #7.) The August 5th Order specifically stated that Plaintiff's failure to comply "will likely result in dismissal of the Complaint." (*Id.* at 2.)

The time for complying with the August 5th Order has expired, and Plaintiff has not responded. "If the court orders a more definite statement and the order is not obeyed ... within the time the court sets, the court may strike the pleading or issue any other appropriate order." Fed. R. Civ. P. 12(e). The Court has granted Plaintiff multiple opportunities to provide a more definite statement of his Complaint, and the Court has repeatedly warned Plaintiff that failure to comply could result in dismissal of this action. Nonetheless, Plaintiff has not amended his Complaint. Accordingly, **IT IS HEREBY ORDERED THAT** Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** as a result of Plaintiff's failure to comply with the July 10th Order.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 27, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 27, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113